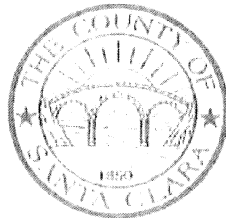


EXHIBIT P

OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA

373 West Julian Street
Suite 300
San Jose, California 95110-2319
(408) 758-4200
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Orry P. Korb
COUNTY COUNSEL

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ASSISTANT COUNTY COUNSEL

July 21, 2015

Sent via First Class Mail and
E-mail to dbw_law@msn.com

Diane B. Weissburg, Esq.
Weissburg Law Firm
12240 Venice Blvd., Suite 22
Los Angeles, CA 90066

Re: *In re Abhijit Prasad v. Will Lightbourne and Gina Sessions*
Sixth District Court of Appeals Case No. H039167
Santa Clara County Superior Court No. 1-11-CV203380

Dear Ms. Weissburg:

The Department of Family and Children's Services (DFCS) will not provide your client a second administrative hearing.

The above-entitled appeal is about the 2010 findings by the DFCS regarding allegations of sexual abuse against your client with respect to his children, [REDACTED] and [REDACTED]. DFCS found that the allegation of sexual abuse by your client against his oldest child, [REDACTED], was substantiated and the allegation of sexual abuse as to his youngest child, [REDACTED], was inconclusive. The law required DFCS to report the substantiated finding to the Department of Justice (DOJ). The result of that report would be that the DOJ would place your client's name on the CACI. The law also required DFCS to notify your client of his right to an administrative hearing to have his name removed from the CACI. DFCS did so (the 2010 Notice) and provided your client with that administrative hearing in August 2010, after which the hearing officer rendered a decision that the sexual abuse allegation was appropriately substantiated as to your client's conduct toward [REDACTED] and appropriately inconclusive as to your client's conduct toward [REDACTED].

As we reported to you, an internal review by DFCS revealed that the 2010 Notice to your client incorrectly stated that DFCS had substantiated the allegation of sexual abuse against him with respect to [REDACTED] and [REDACTED] instead of [REDACTED] only as reflected in the DFCS documentation and findings provided to your client in 2010. After this mistake was

Letter to Diane B. Weissburg, Esq.
Re: *In re Abhijit Prasad v. Will Lightbourne and Gina Sessions*
Date: July 21, 2015
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identified in April 2015, it was corrected and the corrected information was immediately reported to the DOJ to ensure that the CACI did not include incorrect substantiated findings with respect to [REDACTED].

When the DFCS reported the corrected information to the DOJ, no new allegations were added or made against your client. Rather, the attached BCIA 8583, Child Abuse or Severe Neglect Indexing Form, was sent to the DOJ to correct the mistake and identify that [REDACTED] should be removed from the CACI as a substantiated referral. In fact, on the second page of the BCIA 8583, the DFCS specifically noted the information that needed correcting. As you can see on page one of the BCIA 8583, the "Type of Abuse" reported is presented in categories (e.g. physical abuse, mental/emotional suffering) and the sexual abuse category is identified singularly as, "Sexual Abuse, Assault, Exploitation." This singular sexual abuse category is mirrored in the enclosed copy of Notice of Child Abuse Central Index Listing (SOC 832) sent to your client. The addition of the words "assault" and "exploitation" to the notice sent to your client simply mirrors the description on the reporting form to the DOJ, and does not equate to new allegations against your client.

An administrative hearing was already provided to your client in August 2010, during which your client exercised his due process right to contest the DFCS's conclusions of the referrals for sexual abuse by your client against his children. As you also know since it was the subject of the above-entitled writ-petition and appeal, the hearing officer's decision concurred with the DFCS's conclusion that the allegation of sexual abuse was properly substantiated against your client with respect to [REDACTED] and inconclusive with respect to [REDACTED]. Mr. Prasad is not entitled to an additional administrative review hearing on these very same matters pending the Superior Court's determination at the remanded writ hearing.

Sincerely,

ORRY P. KORB
County Counsel


F. MCKELLAR
Lead Deputy County Counsel

JFM:sj
Enclosures: BCIA 8583, SOC 832



STATE OF CALIFORNIA
SCIA 0583
(Orig. 05/00/95; Rev 3/2013)

DEPARTMENT OF JUSTICE

CHILD ABUSE OR SEVERE NEGLECT INDEXING FORM

to be completed by Submitting Child Protective Agency pursuant to Penal Code (PC) Section 11160

☒ INITIAL REPORT
☐ AMENDED REPORT (attach copy of original SCIA 0583. Complete sections A, C, and all other applicable fields)

SUBMITTING AGENCY (Enter complete name and check type)
Santa Clara County Social Services Agency
AGENCY ADDRESS Street
375 West Julian Street
NAME OF SUBMITTING PARTY
Gale Simmons
DATE OF REPORT
04/07/2015
DATE OF INCIDENT
12/30/2009
TYPE OF ABUSE (Check one or more)
☐ PHYSICAL INJURY
☐ SEVERE NEGLECT
☒ THE FINDING THAT ALLEGATIONS OF CHILD ABUSE OR SEVERE NEGLECT IS SUBSTANTIATED (PC sections 11161 (2)(b) and 11160(a))
☐ MENTAL/EMOTIONAL SUFFERING
☐ WILLFUL HARMING/ENDANGERMENT
☒ SEXUAL ABUSE, ASSAULT, EXPLOITATION
☐ UNLAWFUL CORPORAL PUNISHMENT OR INJURY

AGENCY REPORT NUMBER/CASE NAME
0313-7147-9742-1000705
City
San Jose
State
CA
Zip Code
95110
AGENCY REFERENCE
(408) 501-6800

ORIGINAL AGENCY REPORT NUMBER/CASE NAME
☐ NOW UNFOUNDED OR INCONCLUSIVE
☐ ADDED ADDITIONAL INFORMATION
☐ CORRECTED REPORT INFORMATION
☐ UNDERLYING INVESTIGATIVE FILE NO LONGER AVAILABLE
COMMENTS
Initial Report Information
Subst.: [REDACTED]

1 NAME Last First Middle
Prasad, [REDACTED]
DOB [REDACTED] 12 Years
SEX ☒ MALE ☐ FEMALE
RACE 5
DID VICTIM'S INJURIES RESULT IN DEATH?
☐ YES ☐ NO ☐ UNKNOWN
IS VICTIM DEVELOPMENTALLY DISABLED (4512(a)) WH? ☐ YES ☒ NO ☐ UNKNOWN
NAME Last First Middle
[REDACTED]
DOB [REDACTED]
SEX ☐ MALE ☐ FEMALE
RACE [REDACTED]
DID VICTIM'S INJURIES RESULT IN DEATH?
☐ YES ☐ NO ☐ UNKNOWN
IS VICTIM DEVELOPMENTALLY DISABLED (4512(a)) WH? ☐ YES ☐ NO ☐ UNKNOWN
NAME Last First Middle
[REDACTED]
DOB [REDACTED]
SEX ☐ MALE ☐ FEMALE
RACE [REDACTED]
DID VICTIM'S INJURIES RESULT IN DEATH?
☐ YES ☐ NO ☐ UNKNOWN
IS VICTIM DEVELOPMENTALLY DISABLED (4512(a)) WH? ☐ YES ☐ NO ☐ UNKNOWN
NAME Last First Middle
Prasad, Abhijit
DOB [REDACTED] 47 Years
SEX ☒ MALE ☐ FEMALE
RACE 2
SUSPECT IS AGE 17 OR YOUNGER ☐ YES ☒ NO
ADDRESS Street City State Zip Code SOCIAL SECURITY NUMBER DRIVER'S LICENSE NUMBER
2328 Babcock Lane Tracy CA
RELATIONSHIP TO VICTIM: ☒ PARENT/STEPARENT ☐ SIBLING ☐ OTHER RELATIVE ☐ FRIEND/ACQUAINTANCE ☐ STRANGER

* RACE CODES:

W - White
B - Black
H - Hispanic
I - American Indian
F - Filipino
P - Pacific Islander
S - Samoan

C - Chinese
J - Japanese
A - Other Asian
Z - Asian Indian
D - Cambodian
G - Guamanian

U - Hawaiian
K - Korean
L - Laotian
V - Vietnamese
O - Other
X - Unknown

REPORT NO./CASE NAME: 0313-7147-9742-1000705				DATE OF REPORT: 4/7/2015			
1	NAME: Last	First	Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE	RACE*
	Prasad				9 Years		2
2	NAME: Last	First	Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE	RACE*
	Rattan, Komal				42 Years		3
	NAME: Last	First	Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE*
	NAME: Last	First	Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE*

* The allegation of sexual abuse substantiated for the child, [REDACTED] Prasad, by her father, Abhijit Prasad, was sent to DOJ in error and should be removed from the CACI. The allegation of sexual abuse to [REDACTED] Prasad by her father Abhijit Prasad is found to be Inconclusive.

STATE OF CALIFORNIA - DEPT. OF SOCIAL SERVICES

CONFIDENTIAL - INFORMATION IS NOT TO BE RELEASED

NOTICE OF CHILD ABUSE CENTRAL INDEX LISTING

NAME OF ALLEGED VICTIM(S)

[REDACTED] Prasad

DATE

04/07/2015

The Santa Clara County Child Welfare Services agency has completed an investigation of alleged child abuse or severe neglect and determined that the allegations of abuse or severe neglect are substantiated. Pursuant to Penal Code Section 11169(b), this is notice that the finding of substantiated abuse or severe neglect was sent to the California Department of Justice (DOJ) for inclusion in the Child Abuse Central Index (CACI). The CACI contains certain information that enables authorized entities to locate investigations of alleged child abuse or severe neglect conducted by county child welfare departments.

Law enforcement agencies, court investigators, probation departments and district attorneys may use the CACI when investigating allegations of child abuse or neglect. The CACI is also used by licensing agencies and county welfare agencies to investigate persons who apply for licenses or employment to care for children in licensed facilities. If any of these agencies receive information from the CACI that there was a prior investigation of child abuse or severe neglect, they are required to conduct an independent review of the child abuse or severe neglect investigation.

REPORTS OF SUSPECTED CHILD ABUSE MAINTAINED BY DOJ ARE CONFIDENTIAL AND MAY ONLY BE DISCLOSED TO STATUTORILY AUTHORIZED PARTIES (PENAL CODE SECTION 11167.5)

The County has determined that the allegation of child abuse or severe neglect against you is substantiated

A substantiated finding is defined by Penal Code section 11165.12(b) to mean that the investigator who conducted the investigation determined that, based upon the evidence, it was more likely than not that child abuse or neglect occurred.

The term child abuse and neglect is defined by Penal Code section 11165.6. This determination is based on the following information discovered during the investigation:

NAME OF ALLEGED VICTIM(S):

[REDACTED] Prasad

DATE(S) AND LOCATION(S) THE ALLEGED ABUSE OR SEVERE NEGLECT OCCURRED:

THE SPECIFIC ACT(S) OF ABUSE OR SEVERE NEGLECT ALLEGED AGAINST YOU IS/ARE AS FOLLOWS:

Substantiated: Sexual Abuse, Assault, Exploitation [REDACTED] Prasad

REFERRAL NUMBER:

0313-7147-9742-1000705

No action on your part is required at this time. However, if you want to challenge your listing on the CACI, you must complete the enclosed Request for Grievance Hearing form, and mail it to the following address:

Santa Clara County Social Services Agency
373 West Julian Street
San Jose, CA 95110
Attn: 5th floor Grievance Hearing Desk

You must mail the completed Request for Grievance Hearing form no later than 30 days from the date of this notice. As part of the grievance hearing procedures, you may inspect all records and evidence related to investigation of the referral, except for information made otherwise confidential by law. This information may be requested by checking the box under the signature line of the Request for Grievance Hearing form. For more information, you can contact:

COUNTY STAFF PERSON:

PHONE

()

DATED

04/07/2015